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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,726	01/03/2001	Yasunori Kuwayama	040894-5621	1205

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER

LE, KIMLIEN T

ART UNIT PAPER NUMBER

2653

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,726

Applicant(s)

KUWAYAMA ET AL.

Examiner

Kimlien T Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Objections

2. Claim 1- 6 are objected to because of the following informalities: In claim 1, "slice" should be added before "level" (line 9). Also, " The" (claim 6, line 1) should be -An--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 3-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Muramatsu (U.S Patent 6,747,924).

Regarding claim 1, Muramatsu shows an image reading device for an optical disc comprising: a detecting section (Fig. 1, element 32; See also column 7, lines 20-25) for detecting the setting of an optical disc to a related location; a reading section (Fig. 1, element 16; See also column 6, lines 10-15) for reading information out of the optical disc of which the setting is detected; slice level setting means (Fig. 1, element 21; See also column 6, lines 20-40) for binarizing an RF signal output from the reading section at

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a predetermined slice level set by the slice level setting means; and an adjusting section (Fig. 1, element 22; See also column 6, lines 53-65) for adjusting a slice level set by the slice level setting means to an optimum slice level which is best fit for the optical disc, when the setting of the optical disc is detected by the detecting section.

Regarding claim 3, Muramatsu shows the image reading device according to claim 1, further comprising: a jitter detecting section (Fig. 1, element 24; See also column 6, lines 20-40) for detecting a jitter of the RF signal, and when the adjusting section (Fig. 1, element 22; See also column 6, lines 53-65) changes a slice level set by the slice level setting means (Fig. 1, element 24; See also column 6, lines 20-40), a slice level detected when the jitter detected by the jitter detecting section is at a minimum level is judged to be an optimum slice level.

Regarding claim 4, Muramatsu shows the image reading device according to claim 1, further comprising: a jitter detecting section (Fig. 1, element 24; See also column 6, lines 20-40) for detecting a jitter of the RF signal, wherein an equalizer characteristics (Fig. 1, element 20; See also column 6, lines 55-60) thereof is fixed, and when the adjusting section (Fig. 1, element 22; See also column 6, lines 53-65) changes a slice level set by the slice level setting means and the jitter detecting section detects at least two slice levels, a slice level detected when the jitter detected by the jitter detecting section is at a minimum level is judged to be an optimum slice level.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muramatsu (U.S. Patent 6,747,924) in view of itself.

With regard to claim 2, Muramatsu shows all the features of claim 2 except that the optical disc is a multi-layer optical disc, and the adjusting section adjusts, for each layer, the slice level set by the slice level setting means to the optimum slice level, when the optical disc is set. Official Notice is taken that multi-layer optical discs are old and well known in the art. Therefore, it would have been obvious to provide Muramatsu with a multi-layer optical disc such that the adjusting section adjusts, for each layer of the multi-layer optical disc, the slice level set by the slice level setting means to the optimum slice level. The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to provide Muramatsu with a multi-layer optical disc such that the adjusting section adjusts, for each layer of the multi-layer optical disc, the slice level set by the slice level setting means to the optimum slice level, so that each layer of the optical disc can benefit from the optimum slice level setting means of Muramatsu.

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Allowable Subject Matter

5. Claim 7 is allowed.
6. Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

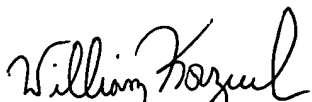
Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimlien T Le whose telephone number is 703 305 3498. The examiner can normally be reached on M-F 8a.m-5p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 703 305 6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimlien Le


WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600